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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,094	07/07/2000	Sugio Makishima	0905-0240P	7858
2292	7590	05/05/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			LETT, THOMAS J	
			ART UNIT	PAPER NUMBER
			2626	3
DATE MAILED: 05/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,094

Applicant(s)

MAKISHIMA, SUGIO

Examiner

Thomas J. Lett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because the phrase "IMPUT KEYS" should be changed to read "INPUT KEYS" in references 19 and 46 of Figure 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al (US Patent 6,392,697).

With respect to claim 1, Tanaka et al disclose (1) a digital still camera including in a single housing a wireless telephone, which can receive and display a digital electronic image signal generated by another digital still camera (col 1, lines 39-42), and (2) a digital still camera that can communicate with various remote devices including a

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computer (col 1, lines 65-67), which reads on a first receiving unit for receiving data transmitted via a network;

a display device 4 indicates with characters or symbols that the device has received a still image or a still image with audio signals (col 6, lines 24-26), which reads on a text display unit for displaying text represented by text data contained in data received by said first receiving unit;

a first distinction unit 16 distinguishes a still image signal from the digital electronic signal containing a voice signal and automatically switches the switching unit 15 from the first mode to the second mode (col 6, lines 18-21), which reads on a first determination unit for determining whether data received by said first receiving unit contains image data representing an image;

a digital still camera that can transfer audio and image signals to the same type of digital still camera in a very short time period (col 1, lines 61-64), which reads on an image transmitting unit, which is responsive to a determination that the received data contains image data, for transmitting the image data contained in the received data to said digital camera;

a digital still camera that can transfer audio and image signals to the same type of digital still camera in a very short time period (col 1, lines 61-64). Another device of this type would have a receiving unit capable of receiving image data from this device, which reads on a second receiving unit for receiving image data transmitted from said image transmitting unit of said portable communication apparatus;

a display control unit 20 for controlling the display device 4 to display whether the received electromagnetic signal contains a still image signal or audio signal (col 3, lines 42-45), and a digital still camera that can transfer audio and image signals to the same type of digital still camera in a very short time period (col 1, lines 61-64), which reads on an image display unit for displaying an image represented by image data received by said second receiving unit.

With respect to Claim 2, Tanaka et al disclose a digital still camera that can transfer audio and image signals to the same type of digital still camera in a very short time period (col 1, lines 61-64). Another device of this type would also be a "portable communication apparatus" which reads on a portable communication apparatus further includes a type-data transmitting unit for transmitting type data, which represents the type of image, to said digital camera and,

a second modification unit 35 for judging whether the still image signal from the memory 14 is a first type or a second type which determines whether to reduce the number of pixels to be output on display 4 (col 4, lines 37-40), which reads on a second determination unit for determining whether an image represented by the image data can be displayed on said image display unit based upon the type data transmitted from said portable communication apparatus.

With respect to Claim 3, Tanaka et al disclose an image transmitting request switch 32 connected to the input of the second inhibition unit 31 (col 4, lines 55-56), which reads on a determination-result transmitting unit for transmitting data representing

result of the determination by said second determination unit to said portable communication apparatus; and

a digital still camera that can transfer audio and image signals to the same type of digital still camera (col 1, lines 61-63), which reads on said image transmitting unit of said portable communication apparatus responds to an indication by determination-result data transmitted from said determination-result transmitting unit to the effect that the image represented by the image data can be displayed on said image display unit by transmitting this image data to said digital camera.

With respect to Claim 4, Tanaka et al disclose an image transmitting request switch 32 connected to the input of the second inhibition unit 31 (col 4, lines 55-56), which reads on said portable communication apparatus further includes a transmit-command input unit for inputting an image-transmit command; and

when the image transmitting request switch 32 is activated or the dialed telephone number matches the telephone numbers of the second type of remote device, the electromagnetic signal containing the still image and audio signals can be combined. The signal containing audio signals from the microphone 2 and a still image signal taken by a CCD camera is transmitted to another remote device capable of receiving a still image signal (col 8, lines 58-66), which reads on said image transmitting unit transmits the image data to said digital camera in response to input of the transmit command from said transmit-command input unit.

Claims 5 and 6 are apparatus claims, and are rejected for the same reasons as claim 1.

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Claim 7 is a method claim, and is rejected for the same reasons as claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 703-305-8733. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or Faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to:

Crystal Park II

2121 Crystal Drive

Arlington, VA

Sixth Floor (Receptionist).

TJL

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MARK WALLERSON
PRIMARY EXAMINER